REMARKS/ARGUMENTS

Claims 38 - 49 are currently pending in the application. Claims 38 – 47 are rejected. Claim 38 is amended. Claims 48 and 49 are newly added. No new matter has been added.

Claims 38-47 are rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Bertram et al. (US 6476798), referred to as Bertram.

Bertram describes a reduced noise touch screen apparatus and method. As shown below in Figures 1, 4, 5b, and 6a, the apparatus includes a plurality of electrodes (102a, 102b, 102c, and 102d), an operational amplifier (OP amp) (418), a plurality of resistors (430, 432, 434, 436), an oscillator 438, a filter 440, a central processing unit (CPU) (450), and a multiplexer (518).
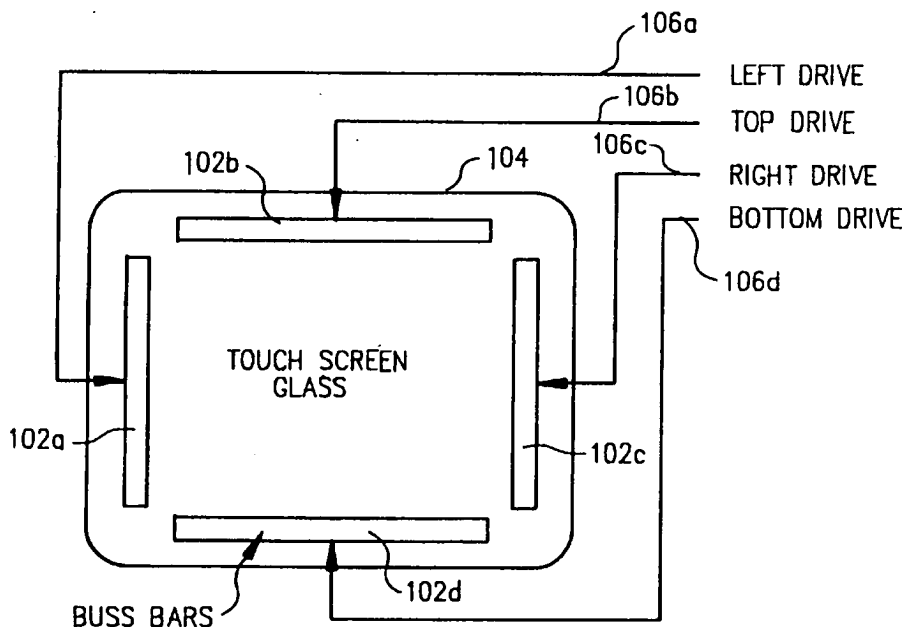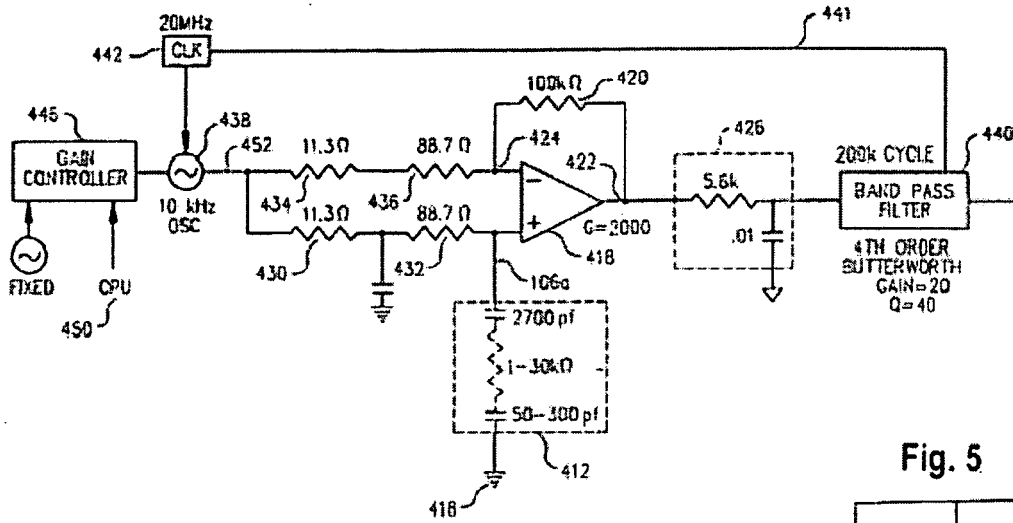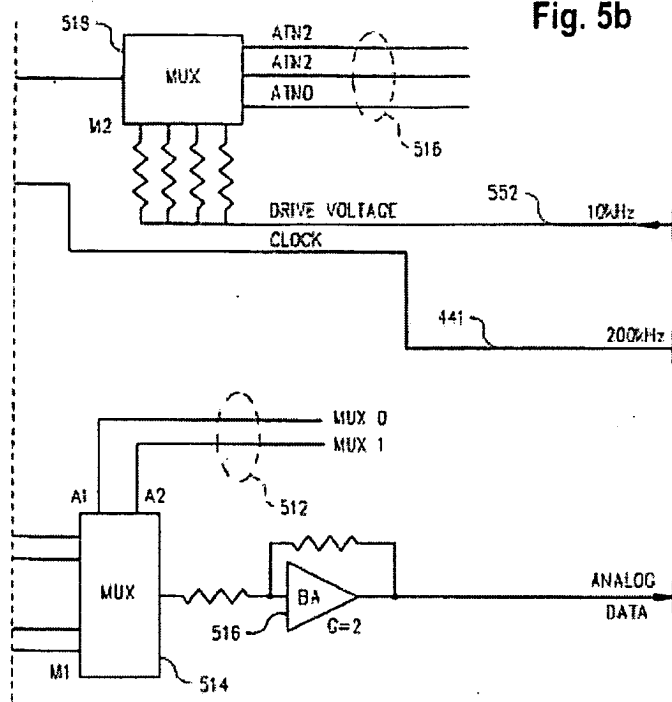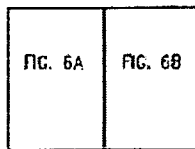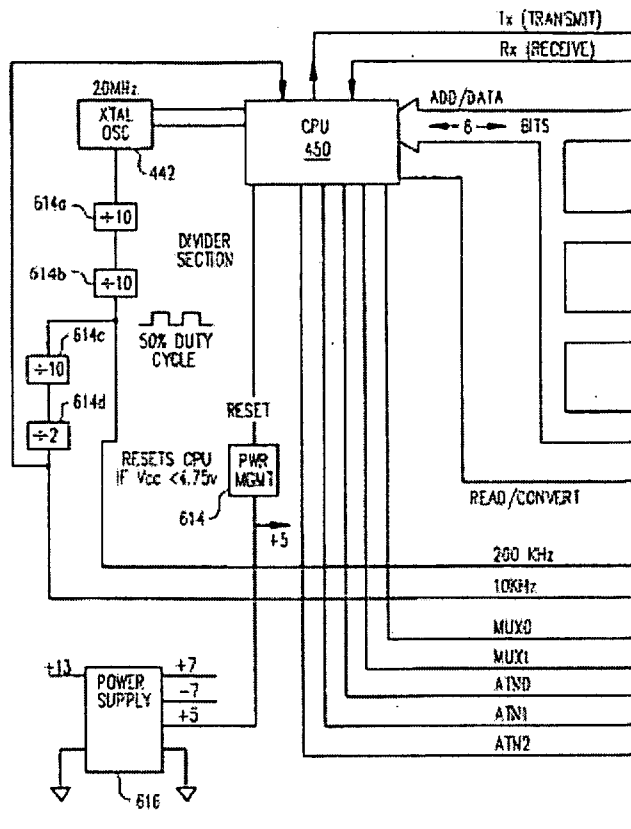
Fig. 1

Fig. 4

Fig. 5

FIG. 5A	FIG. 5B

Fig. 5b

Fig. 6

A "signal provided to the electrode 102a (via resistors 430, 432) as well as provided to the negative input of the OP amp 418 (via resistors 434, 436) has a generally sinusoidal form provided at a frequency such as 10 kilohertz" (col. 4, lines 55-59). "Similar circuitry is used to provide signals to (and samples signals at) the other electrodes 102b, 102c, 102d, although the phase of the four signals are preferably offset 90°" (col. 4, lines 59-62). Furthermore, "both the filter 440 and the oscillator 438 are controlled by a clock signal such as a 20 Mhz signal 442" (col. 5, lines 11-13).

Moreover, as shown in Figures 5b and 6a, a "drive signal 452 is attenuated by attenuation signals 516 controlling multiplexer 518" (col. 5, lines 32-34). As shown in Figure 6a, "the central processing unit (CPU) is controlled by a crystal oscillator 442 which also, by means of dividers 614a, 614b, 614c, 614d, provides clock signals 441 and 552 at 200 Khz and 10 Khz, respectively" (col. 5, lines 61-64).

Bertram does not describe or suggest a gaming apparatus as recited in claim 38. For example, Bertram does not describe or suggest "at least one of the main controller and the touch position calculator configured to *determine the frequency of operation from a plurality of frequencies*". Rather, Bertram describes that "the central processing unit (CPU) is controlled by a crystal oscillator 442 which also, by means of dividers 614a, 614b, 614c, 614d, provides clock signals 441 and 552 at 200 Khz and 10 Khz, respectively". Bertram further describes that a "signal provided to the electrode 102a (via resistors 430, 432) as well as provided to the negative input of the OP amp 418 (via resistors 434, 436) has a generally sinusoidal form provided at a frequency such as 10 kilohertz". "Similar circuitry is used to provide signals to (and samples signals at) the other electrodes 102b, 102c, 102d, although the phase of the four signals are preferably offset 90°."

Accordingly, in Bertram, the CPU 450 *does not determine* a frequency of operation of the electrodes 102a, 102b, 102c, and 102d. Rather, the crystal oscillator 442 controls the CPU 450 and the crystal oscillator, by means of the dividers 614a, 614b, 614c, 614d, provides clock signals 441 and 552 at 200 Khz and 10 Khz, respectively. The 10 Khz signal is provided to the electrodes 102a, 102b, 102c, and 102d. The 10 Khz signal *is not determined by the CPU 450*. Hence, Bertram does not describe or suggest "at least one of the main controller and the touch position calculator configured to *determine the frequency of operation from a plurality of frequencies*", where the frequency of operation is the frequency of operation of the first electrode as is recited in claim 38. Hence, for at least the reasons set forth above, claim 38 is patentable over Bertram.

Claims 39-47 depend from independent claim 38, which is patentable over Bertram for at least the reasons set forth above. Accordingly, claims 39-47 are also patentable over Bertram.

Newly added claims 48 and 49 depend from independent claim 38, which is patentable over Bertram for at least the reasons set forth above. Accordingly, claims 48 and 49 are patentable over Bertram.

In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance. Early favorable consideration of this Amendment is earnestly solicited and Applicants respectfully request that a timely Notice of Allowance be issued in this case. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (510) 663-1100.

Respectfully submitted,

/ David P. Olynick /

David P. Olynick
Registration No. 48,615
Weaver Austin Villeneuve & Sampson LLP
P.O. Box 70250
Oakland, CA 94612-0250
(510) 663-1100